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**DEC 14 2005**

**OFFICE OF PETITIONS**

In re Application of	:	
Nix, et al.	:	
Application No. 09/872,904	:	
Filed: May 31, 2001	:	DECISION ON PETITION
Attorney Docket No. MBHB00-581	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed November 1, 2005.

The petition is **GRANTED**.

Petitioner states that the instant application is the subject of a PCT international application filed on May 31, 2002. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the PCT application.

In view of the above, this application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

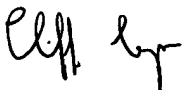
- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 USC 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, indicating a projected publication date of March 23, 2006, accompanies this decision.

The matter is being forwarded to Group Art Unit 2668 for examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions

Enc: Communication Regarding Rescission of Nonpublication Request  
and/or Notice of Foreign Filing (1 page)